

VZCZCXRO9124  
OO RUEHMA RUEHPA  
DE RUEHNM #0448 1661556  
ZNR UUUUU ZZH  
O 151556Z JUN 09  
FM AMEMBASSY NIAMEY  
TO RUEHC/SECSTATE WASHDC IMMEDIATE 5117  
INFO RUEHZK/ECOWAS COLLECTIVE  
RUEHWD/AMEMBASSY WINDHOEK 0036  
RHMFISS/HQ USAFRICOM STUTTGART GE  
RHMFISS/CDR USAFRICOM STUTTGART GE  
RUEAIIA/CIA WASHINGTON DC  
RHEFDIA/DIA WASHINGTON DC  
RUEHLMC/MCC WASHDC

UNCLAS NIAMEY 000448

DEPT FOR AF/W AND AF/RSA  
PLS PASS TO USAID FOR AFR/W  
ACCRA FOR USAID/WA  
PARIS FOR AFRICA WATCHER

SIPDIS

SENSITIVE

E.O. 12958: N/A

TAGS: [PGOV](#) [KDEM](#) [SOCI](#) [NG](#)

SUBJECT: Niger: Constitutional Court Rules on TandjaQs Constitutional

Referendum; Respected Party Leader Succumbs to Heart Failure After  
Anti-Referendum March

Ref: A) Niamey 376 B) Niamey 377

11. (SBU) Summary: On June 12, NigerQs Constitutional Court issued an QarretQ, a binding decision that, in principle, cancels President TandjaQs plan for a constitutional referendum. On June 14, a consortium of opposition political parties, labor unions and civil society groups held a massive, peaceful demonstration in Niamey in protest of President TandjaQs planned constitutional referendum. The rally turned to mourning after news spread regarding the sudden death of Nigerien political icon Moumouni Djermakoye. There was a massive turnout for the funeral, including President Tandja and his Cabinet, leadership of governmental institutions, the diplomatic corps, political party leaders, union leaders and civil society leaders. End Summary.

12. (SBU) On June 12, the Constitutional Court issued a binding decision (an QarretQ), as opposed to the opinion (an QavisQ) rendered on May 25 (ref a) that stated, "If the President decides to maintain his status as leader of the country beyond the limits of his term, it would not be in conformity with the constitution." In other words, if President Tandja takes action in violation of the constitution to remain in office beyond his mandate, due to expire December 22, 2009, that act would be unconstitutional.

Consortium of Opposition Groups Hold Demonstrations

13. (SBU) After the Constitutional CourtQs ruling, the Front for the Defense of Democracy (FDD) (ref b), a consortium of political parties, civil society organizations and labor unions, proceeded with a planned June 14 rally against President TandjaQs announced August 4 referendum on a new constitution. The twice-postponed rally was initially planned as a nationwide caravan to begin on May 31, then was rescheduled for June 7, but again cancelled for lack of a permit. According to estimates, 12,000 - 15,000 protesters participated in the rally, a smaller turnout than anticipated.

ANDP Political Leader Succumbs After March

14. (U) On June 14, Nigerien political leader, the founder and President of the Alliance for Democracy and Progress (ANDP) Party, Moumouni Djermakoye, marched in the rally. Reportedly, at around 10:00am, as he was preparing to deliver a speech, he complained of feeling light headed. Rally organizers rushed him to the National Hospital where, subsequently, he was pronounced dead. According to official reports, Djermakoye died from heart failure, though some

suspect he may have suffered from a heat stroke. No autopsy will be performed.

¶5. Djermakoye was a prominent figure in Nigerien history, with a distinguished professional life in the military, political and diplomatic arenas. He served as Nigerien Ambassador to the United States and the United Nations (1988-1991). He served in several capacities in the Government of Niger over a couple of decades, including twice President of the High Court of Justice (2004-2009, 1997-1999), Speaker of the National Assembly (1993-1995), Minister of Health (1982-1983), Minister of Youth and Sports (1979-1982) and Minister of Foreign Affairs (1974-1979). A graduate of the Army Staff College in Paris in 1972, he retired from military service in 1991 as an Army Colonel.

¶6. (U) President Tandja and his Cabinet, leadership of governmental institutions, political party leaders, union leaders and civil society leaders attended Djermakoye's funeral. The GON Ministry of Foreign Affairs extended an invitation to the diplomatic corps and Ambassador Allen attended the funeral. She expects to pay respects to the surviving family (wives) on June 16. Djermakoye was buried on the afternoon of June 15 in his home region of Dosso (130 km south-east of Niamey).

Allen